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PETER D. KEISLER
Assistant Attorney General

KEVIN V. RYAN
United States Attorney

KATHERINE DOWLING
Assistant U.S. Attorney
BAR NO. 220767

SHEILA M. LIEBER
KAREN STEWART
D.C. Bar No. 367290
Attorneys, Civil Division
Department of Justice
20 Massachusetts Ave., NW
P.O. Box 883
Washington, D.C. 20044
Tel: (202) 514-2849
Fax: (202) 616-8470

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZELDA WEICHARDT, by her son and
next friend, ERIC WEICHARDT;
IRENE AUBIN, by her daughter and
next friend, YVONNE A. MORIN;
PLANNING FOR ELDERS IN THE CENTRAL
CITY; ACTION ALLIANCE RESEARCH &
EDUCATION PROGRAM, on behalf of
themselves and all others
similarly situated,

Plaintiffs,

v.

MICHAEL O. LEAVITT, Secretary
of Health and Human Services,

Defendant.

C.A. No. 03 5490 VRW

JOINT MOTION TO
CONTINUE HEARING AND
PROPOSED ORDER

Hearing: July 14, 2005
9:00AM

The parties to this action, by their undersigned counsel, hereby jointly request that the Court continue the hearing on the parties' cross-motions for summary judgment and plaintiffs' motion for class certification scheduled for July 14, 2005. The parties understand from the

C.A. No. 03 5490 VRW
JOINT MOTION TO CONTINUE HEARING

1 Court's clerk, Cora Delphin, that October 13, 2005, is presently an available date on the Court's
2 calendar for the motions hearing. The grounds for this request are as follows:

3 1. The hearing on the above-mentioned motions is currently set for July 14, 2005.

4 2. The parties have been involved in discussions regarding a proposal that the parties
5 believe might provide a basis for resolving this case without further litigation or the intervention
6 of the Court. Progress has been made and the parties seek to postpone the motions hearing in
7 order to continue their negotiations.

8 3. By Order filed May 23, 2005, the Court also authorized the parties to file letter briefs
9 by July 7, 2005, addressing certain identified topics. The parties similarly request an extension
10 of the time for filing the letter briefs.

11 WHEREFORE, the parties respectfully request that the Court issue an order continuing
12 the motions hearing in this case until October 13, 2005, and granting the parties until October
13 6, 2005, to file concise letter briefs on the topics identified by the Court's May 18 and May 23,
14 2005 Orders.

15 Dated: July 7, 2005

Respectfully submitted,

17 By: /s/ Gill Deford
18 Lenore Gerard
19 Sally Hart
20 Gill Deford
21 Judith A. Stein
22 Mary T. Bethelot
23 Vicki Gottlich
24 Alfred Chiplin, Jr.

Attorneys for Plaintiffs.

23 By: /s/ Karen Stewart
24 SHEILA M. LIEBER
25 KAREN STEWART
26 D.C. Bar No. 367290
27 Attorneys, Civil Division
28 Department of Justice
20 Massachusetts Ave., NW

P.O. Box 883
Washington, D.C. 20044
Tel: (202) 514-2849

Attorneys for Defendant.

ORDER

Upon consideration of the foregoing Joint Motion to Continue Hearing, the Court finding good cause therefore, it is hereby ORDERED, that the motions hearing currently set for July 14, 2005, is hereby continued until October 13, 2005, at 2:00 p.m. The parties also have until October 6, 2005, to electronically file concise letter briefs on the topics identified in the Court's May 18 and 23, 2005 Orders.



Dated: _____

VAUGHN R. WALKER
UNITED STATES DISTRICT CHIEF JUDGE